

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TEFERI ABEBE BIKILA, an individual;  
YETNAYET ABEBE BIKILA, an  
individual; TSIGE ABEBE, an individual;  
and YEWEBDAR W. GIORGESE, an  
individual,

Plaintiffs,

v.

VIBRAM USA, INC., a Delaware  
corporation, and VIBRAM FIVEFINGERS  
LLC, a Massachusetts limited liability  
company,

Defendants.

No. 3:15-cv-05082-RBL

**DECLARATION OF ERIC ROSEN  
IN SUPPORT OF DEFENDANTS'  
SECOND MOTION FOR  
SUMMARY JUDGMENT**

REDACTED

I, Eric Rosen, declare as follows:

1. I am over the age of 18 and competent to testify. I am the Vice President of Finance for Vibram USA, Inc. I make this declaration based on my personal knowledge and documents available to me in the normal course of my employment with Vibram.

2. Attached as **Exhibit A** are true and correct copies of documents maintained in the files of Defendants Vibram USA, Inc. and Vibram FiveFingers LLC (collectively, "Vibram"), that reflect how Vibram advertised and marketed the FiveFingers Bikila shoes.

These documents are consistent with the standard marketing and point of sale materials that

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1 Vibram used to sell the FiveFingers Bikila shoes. Vibram has searched its documents and  
2 found no evidence that it ever used any image of Abebe Bikila in any consumer-facing  
3 advertising or marketing. Documents that are available from Vibram's files or the public  
4 record indicate that Vibram occasionally referenced the historical fact of Abebe Bikila's  
5 Olympic victory, including in a microsite that it promoted in 2010-2011, a press release, and  
6 in two Twitter posts.

7 3. Attached as **Exhibit B** is a true and correct copy of an image that accurately  
8 reflects the shoebox for the FiveFingers Bikila shoes.

9 4. Between the 2010 release of the FiveFingers Bikila shoes and the end of 2015,  
10 Vibram sold over [REDACTED] pairs of the shoes in the United States. In 2015, in the normal  
11 course of refreshing its product line, Vibram improved its running shoe and gave it a new  
12 name, V-Run.

13 I declare under penalty of perjury under the laws of the United States that the  
14 foregoing is true and correct.

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16 Dated this 12<sup>th</sup> day of October, 2016 at North Brookfield, Massachusetts.

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19 Eric Rosen  
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